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Sent: Wednesday, April 06, 2005 1:52 PM
To: MLPAComments@resources.ca.gov
Cc: LWillo1124@aol.com; SusanatPGLaw@aol.com; yscuba@californiadivers
Subject: MLPAComments: Draft Strategy for Stakeholder and Interested Public Participation

Melissa. Please confirm that you received this. Thank you. Lee

Tidepool Coalition aka

COALITION TO PRESERVE and RESTORE PT. PINOS TIDEPOOLS

P.O. Box 433, Pacific Grove, California 93950

Within these areas, no risk of change is considered acceptable unless it is part of a natural process*

April 6, 2005

To: MLPA Blue Ribbon Task Force

From: Jim Willoughby, Chairman
Tidepool Coalition, Pacific Grove, Ca.

Re: Draft Strategy for Stakeholder and Interested Public Participation

In accordance with your desire to receive public input on community involvement for the central coast regional MIPA project, I am enclosing below a copy of the Coalition's position on enforcing 1002(h) of the Fish and Game Code that currently affects the collecting practices in the Pacific Grove Marine Gardens Fish Refuge which borders our city. Please disseminate this information as you feel is appropriate. I want to emphasize again, that in addition to the citizens of Pacific Grove taking action by way of a successful tidepool conservation initiative in 2000, the Pacific Grove City Council unanimously passed a Tidepool Preservation Resolution 05-005 at the 2/16/05 Council Meeting seeking inclusion of the Pacific Grove Marine Garden Refuge in the central coast MLPA MPA project. We are seeking the same status as defined in a State Marine Reserve.

In May, 2003 the California Department of Fish and Game (DFG) found itself at the center of a peninsula wide controversy when it unilaterally reopened the Pacific Grove Marine Gardens Refuge to scientific and educational collecting of marine life after a moratorium of four years. Why would the DFG consider such an unpopular and compromising policy when it violates local law, and without public hearings or an environmental impact report? This ongoing controversy centers around a long standing DFG code 1002h which states, "a permit under this section does not authorize the taking of fish or mammals from the ocean waters of this state within the boundaries of any city if the city has filed an objection to the taking."

The DFG code defines fish as mollusks, crustaceans, invertebrates or amphibians including any part, spawn or ova thereof. " This code provision is printed on every DFG scientific collecting permit issued in the State of California. On June 8, 2000 following a successful Pacific Grove citizens' grassroots Tidepool Preservation ballot Initiative (1700 voters signing the petitions), the City Clerk transmitted to the DFG a letter of objection to the 'taking' of marine life from the city's refuge. The tidepool initiative was designed to strengthen state and local law, and complied with the City Charter, City's marine ordinances, Coastal Land Use Plan mandated by the Coastal Commission, and City's General Plan. It was never intended to challenge the sovereign right of DFG or Fish and Game Commission to manage the marine resources of this State. Citizens simply wanted to prevent the extraction of marine life from the city's tidelands that legitimately belong to the public now and for future generations.

This ongoing and simmering controversy centers around the question "why would the DFG disregard the constitutional provisions of an overwhelmingly successful tidepool conservation Initiative which was predicated on a provision of the DFG's own code? Could it be the DFG is simply out of touch with the public's demand for greater coastal protection in this new millennium, especially in conserving California's fragile tideland ecosystems? The Pacific Grove Marine Gardens Refuge lies within the Monterey Bay National Marine Sanctuary (MBNMS), and the public expects these marine resources to be protected and hopefully restored to their former abundance and diversity. It is a marine legacy we cannot afford to lose, and it is the right time and right thing to do.

*Pacific Grove Coastal Parks Plan